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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-second session

SUMMARY RECORD OF THE SECOND PART (PUBLIC) * OF THE 29th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 August 1990, at 12.25 p.m.

Chairman: Mr. TURK

CONTENTS

Organization of work (continued)

* The summary record of the first part (closed) of the meeting appears as document E/CN.4/Sub.2/1990/SR.29.

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The public meeting was called to order at 12.25 p.m.

ORGANIZATION OF WORK (continued)

1. Mrs. WARZAZI said that she wished to inform the Sub-Commission of an incident in which she had been involved on the previous day. Trying to drive out of a parking lot where she had been unable to find a place, she had had to reverse towards the left-hand side of the road. She had then been stopped by policemen who had told her that such a manoeuvre was forbidden. When she showed her diplomatic passport, they had kept it and taken her to a police station instead of giving her a fine. At the police station, where she had waited for 40 minutes, she had been charged with crossing the solid double line separating the two traffic lanes. That was not possible since she had hardly come out of the parking lot. When she asked to speak to the Ambassador of Morocco, she had been told that she could do so only after various formalities had been completed. While that was happening, sarcastic remarks were directed at her and she was even suspected of having stolen the vehicle that she had hired. When at last she had left the police station at 10.00 p.m., it had been too late to contact the Ambassador.

2. She considered the incident to be very serious. It was disquieting that persons in possession of a diplomatic passport and a United Nations identity card should be treated like common criminals and dragged off to a police station for a minor traffic offence - if indeed an offence had been committed. There were conventions on diplomatic immunities and privileges and she requested Mr. Martenson to intervene. The incident exemplified the racist behaviour that could be observed in Geneva and the hostility shown to diplomats. Diplomats should not be exempted from paying a fine if they committed a traffic offence, but they should be protected from any improper behaviour by the police.

3. Mr. MARTENSON (Under-Secretary-General for Human Rights) said that the incident was regrettable and promised to obtain clarifications.

4. Mr. JOINET, deploring the incident, drew attention to the opinion of the International Court of Justice to the effect that experts of the Sub-Commission enjoyed the privileges and immunities granted to diplomats. Consequently, Mrs. Warzazi should, therefore, have informed, not the Ambassador of Morocco, but the Secretary-General, through his representative, Mr. Martenson, who alone was authorized to lift her immunity, if necessary. He therefore suggested that the Secretariat should draw up and issue to all the experts of the Sub-Commission, a document defining their status and reproducing the text of the ICJ opinion, which they could produce whenever the need arose.

5. Mr. GUISSE said that he could fully appreciate Mrs. Warzazi's feelings since he himself had been subjected very often to unwarranted police checks. He agreed with Mr. Joinet's suggestion, because such a document would be a means of guaranteeing protection for the experts of the Sub-Commission.

6. Mrs. DAES said that she sympathized with Mrs. Warzazi and pointed out that it was not the first time an incident of that kind had occurred. Three years earlier, the Sub-Commission had written to the Director-General of the United Nations Office at Geneva, at a time before Mr. Martenson had taken up his functions, to request that members of the Sub-Commission should enjoy the

status provided in the conventions concerning the privileges and immunities of the United Nations and the specialized agencies. She endorsed Mr. Joinet's suggestion, because the status of the experts should be certified by an official document and she urged Mr. Martenson to take the appropriate measures.

7. Mr. CHERNICHENKO said that the matter was very serious because the Swiss policemen should have been conversant with the conventions governing the status of diplomatic personnel accredited to the United Nations, especially the 1961 Vienna Convention on Diplomatic Relations. He himself was in possession of a Swiss diplomatic visa which entitled him to invoke all those instruments, if necessary, and he was surprised that the Swiss policemen appeared to be unaware of that point.

8. Mr. EIDE said that he feared that Mrs. Warzazi and Mr. Guissé had been subjected to discriminatory treatment, in which case the matter should be examined more fully. He shared the views of the previous speakers and asked that the present debate should be made public.

9. Mr. ALFONSO MARTINEZ, seconded by Mr. HELLER, said that he endorsed all the expressions of sympathy extended to Mrs. Warzazi and that he agreed with Mr. Joinet's proposal. The experts of the Sub-Commission should have in their possession at all times a document indicating that they enjoyed diplomatic immunity, in order to avoid further unpleasant incidents.

10. Mr. MAXIM said that he fully supported Mrs. Warzazi and that he endorsed the idea that a document should be issued to all the experts certifying their status. He pointed out that members of the Sub-Commission should be able to enjoy the privileges accorded to them even after the session had ended.

11. Mr. ILKAHANAF said that he regretted the incident involving Mrs. Warzazi and also thought that the experts should be issued with a special document because, as Mrs. Warzazi had explained, the police had disregarded the identity card which had been issued to her by the Centre for Human Rights.

12. Mrs. KSENTINI said that she supported Mrs. Warzazi and she regretted the fact that some experts were discriminated against because of their physical appearance or their country of origin. It was essential that their protection should be ensured. It would appear that some experts had already received identity cards and she asked that all should have one.

13. Mr. TIAN JIN said that the treatment of Mrs. Warzazi was unacceptable and that an official apology should be offered to her. The matter was serious and an inquiry should be made. He approved of Mr. Joinet's proposal.

14. Mr. TREAT said that he was very shocked that such an incident could have occurred. He thought that Mrs. Warzazi had acted bravely in informing the members of the Commission about it. While the Secretariat had no authority over the local police, it was, however, responsible for the security of the people who came to Geneva to discharge their duties at the United Nations. It would, therefore, be a good idea to draft a document containing instructions so that members would know what to do and whom they should contact in such an eventuality, in order to avoid a recurrence of such incidents in the future.

15. Mr. YIMER said that a police officer was quite entitled to give someone a fine for a traffic offence, without however, showing disrespect or

insinuating he might have stolen the vehicle he was driving. Mrs. Warzazi had obviously been a victim of discrimination, because the xenophobia and racism that were rife in Geneva were well known. He asked that the current debate should be made public.

16. Mrs. BAUTISTA said that words failed her to express her indignation at the treatment meted out to Mrs. Warzazi. The incident was one instance of the flagrant violation of the immunities and privileges enjoyed by United Nations staff and officials occurring throughtout the world, and it was unfortunate that it had occurred in the host country of the Organization. An official protest should be sent to the Geneva authorities. The policemen, who were responsible, should have been aware of the existence of the Convention on the Privileges and Immunities of the United Nations and administrative proceedings should be brought against them. He also supported Mr. Joinet's proposal that a document defining the status of members of the Sub-Commission in conformity with the opinion handed down by the International Court of Justice should be issued to the experts before they left Geneva.

17. Mr. SABOIA agreed with the members of the Sub-Commission who had expressed their support for Mrs. Warzazi. He supported the proposals put forward for giving greater protection to the members and he also thought that the matter should be brought to the attention of the Swiss authorities.

18. Mr. van BOVEN was in favour of any strong measure to ensure the protection of members, having regard to their status. The Sub-Commission, however, should also concern itself with those persons who did not enjoy that status but who, nevertheless, participated in its work, in particular the members of non-governmental organizations. The representative of one non-governmental organization had, in fact, been arrested by the police in another Swiss canton solely, it seemed, on the grounds of his physical appearance; that indicated a racist attitude. In his opinion, the senior officials of the United Nations might support that organization, which had secured the services of a lawyer to bring the case before the courts.

19. Mr. SACHAR suggested that the United Nations Secretariat should request the Swiss authorities to conduct an inquiry into the extremely shocking behaviour of the police officers with whom Mrs. Warzazi had had to deal and which could only be racially motivated. He also suggested that the Sub-Commission should be informed of the action taken in response to that request.

20. Mr. SUESCUN thought that a protest should be made against such behaviour which revealed racist sentiments. He, therefore, felt that an official protest should be sent to the Geneva authorities.

21. Mr. MARTENSON (Under-Secretary-General for Human Rights) informed the members of the Sub-Commission that he had already asked the Chief of Protocol to inform the Geneva authorities of the strong concern of the Sub-Commission and to ask them to open an inquiry into the matter. He himself would find out what could be done legally to improve the protection that the experts should enjoy, but he wished to assure them that he would give the matter his undivided attention and would take the necessary measures.

22. Mr. KHALIL said that all the experts of the Sub-Commission were concerned at what had happened to Mrs. Warzazi and thanked her for having informed them. He was very pleased that Mr. Martenson had already taken action because it was important that such a situation should not occur again.

23. Mrs. MBONU thought, like Mr. Khalil, that an affront to any one member of the Commission affected all of them. She, therefore, supported the recommendation that an official protest should be made to the Swiss authorities.

24. Mr. HATANO said that he greatly sympathized with Mrs. Warzazi. Since he himself did not have a diplomatic passport, he would like to have a document indicating his status as soon as possible.

25. Mrs. WARZAZI warmly thanked the members of the Sub-Commission for their support and for all their expressions of sympathy and friendship.

26. The CHAIRMAN said that he would maintain contact with Mr. Martenson and inform the Sub-Commission as soon as possible of the follow-up action taken on their requests by the Swiss authorities.

The meeting rose at 1.10 p.m.